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UL 3.0-021

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of
EGON BRÄUNING

Group Art Unit: 3636

U.S. Serial No. 09/982,689

Examiner Joseph F. Edell

Filed: October 18, 2001

Confirmation No. 8634

For: SEAT MADE OF MOLDED PLYWOOD
GLUED TOGETHER IN LAYERSI HEREBY CERTIFY THAT THIS CORRESPONDENCE
AND/OR FEE IS BEING DEPOSITED WITH THE
UNITED STATES POSTAL SERVICE AS FIRST
CLASS MAIL IN AN ENVELOPE ADDRESSED TO
COMMISSIONER OF PATENTS AND TRADEMARKS,Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231WASHINGTON, D.C. 20231 ON February 24, 2003
(DATE OF DEPOSIT)ELECTION

(SIGNATURE)

(DATE)

Sir:

In the Official Action mailed January 24, 2003, having a shortened time period for response which expires on February 24, 2003, the Examiner has requested an election under 35 U.S.C. §121 between the following inventions:

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GROUP 3600

Group I - (i.e., Claims 1-12, 18 and 19) drawn to a seat;

Group II - (i.e., Claims 13-15) drawn to a row connector; and

Group III - (i.e., Claims 16 and 20-25) drawn to a method for producing a seat.

In response to the Examiner's request, applicant elects Group I (i.e., Claims 1-12, 18 and 19) for further prosecution herein. This election is made while preserving applicant's right to file a divisional application directed to the non-elected inventions.

The Examiner has also requested an election under 35 U.S.C. §121 between the following species:

Species I - directed to Figures 1, 9A and 10A;
Species II - directed to Figures 1B, 2A and 2B;
Species III - directed to Figures 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 7C, 8A, 8B, 9B, 9C, 10B, and 10C.

In response to the Examiner's request for an election of species, applicant provisionally elects Species III (i.e., Figures 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 7C, 8A, 8B, 9B, 9C, 10B, and 10C) for further prosecution herein, subject to the traverse presented below. Pending Claims 1-6, 9-12, 18 and 19 are believed to be readable upon the elected species, with Claims 1-6, 11, 18 and 19 being considered generic to all three species (i.e., Species I, II and III). If a generic claim is ultimately allowed, it is understood that applicant will be entitled to consideration of claims directed to some or all of the non-elected species. Applicant hereby reserves the right to file a divisional application directed to the non-elected species that are not so considered.

Applicant respectfully traverses the requirement for an election among the Species I, II and III. Initially, applicant notes that the embodiments in Species I consist of seats without armrests, the embodiments in Species II consist of seats having an armrest with two ends attached to the seat, and the embodiments in Species III consist of seats having an armrest with only one end attached to the seat. Among the claims of elected Group I, only dependent Claims 7-10 and 12 recite armrests as features of the claimed seats. Armrests are not recited as features in independent Claims 1 and 18 or in dependent Claims 2-6, 11 and 19. Moreover, the armrests of Species II vary from those

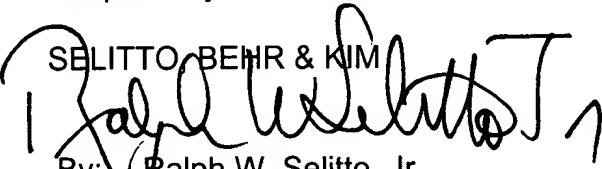
of Species III only in their shape and the manner in which they are affixed to the seat. Therefore, applicant respectfully requests that the requirement for election of species be withdrawn and that all of the claims within the elected Group I (i.e., Claims 1-12, 18 and 19) be examined on the merits.

Applicant further notes that the Examiner's classification of species does not include Figures 3A-3C. These Figures illustrate the attachment of a leg or armrest between the seat upper part and seat lower part, and should be considered as part of the examination of all of the Species I, II and III.

In view of the foregoing election, applicant respectfully requests that this application be examined on the merits. If such action cannot be taken, the Examiner is invited to contact the undersigned attorney at the telephone number indicated hereinbelow for the purpose of discussing any outstanding issues.

No fees are believed to be due in connection with the submission of this Election. However, if any fees, including extension and petition fees, are due, the Examiner is hereby authorized to charge them to Deposit Account No. 19-1218.

Respectfully submitted,

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